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| <b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b><br><br><i>Subsection (b) of 35 U.S.C. § 132, effective May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).</i> | Application No.  | 10/613,564             |
|   | Filing Date      | 7/2/2003               |
|   | First Inventor   | Dennis R. Berman       |
|   | Art Unit         | 3715                   |
|   | Examiner Name    | Crabtree, Joshua David |
|   | Atty. Docket No. | TRV03-0001             |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 for the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

#### 1. Submission Required under 37 C.F.R. § 1.114

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 21 December 2006.
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other: \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other: PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

#### 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
- b.  Other: \_\_\_\_\_

#### 3. Fees (The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.)

- a.  The Director is hereby authorized to charge the following fees or credit any overpayments.
  - i.  RCE fee required under 37 C.F.R. § 1.17(e).
  - ii.  Extension of time fee (37 C.F.R. § 1.136).
- b.  Check in the amount of \$ \_\_\_\_\_ enclosed.
- c.  Payment by credit card (Form PTO-2038 enclosed).

#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                     |           |                |
|-------------------|---------------------|-----------|----------------|
| Name (Print/Type) | Hoyt A. Fleming III | Telephone | (208) 336-5237 |
| Customer No.      | 28422               | Reg. No.  | 41752          |
| Signature         |                     | Date      | 2/2/2007       |

#### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as  Express Mail EV 636862026 US or  First Class Mail in an envelope addressed to: Mail Stop RCE; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on 2/2/2007.

|                   |                   |      |          |
|-------------------|-------------------|------|----------|
| Name (Print/Type) | Teresa A. Fleming | Date | 2/2/2007 |
| Signature         |                   | Date | 2/2/2007 |

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